REMARKS

In the Office Action,[1] the Examiner took the following actions:

1) rejected claims 1-6 under 35 U.S.C. § 101 as being directed to non-statutory subject matter;

2) rejected claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite;

3) rejected claims 4 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite;

4) rejected claims 4 and 6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,502,131 to Vaid et al. ("*Vaid*");

5) rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,256,740 to Muller et al. ("*Muller*") in view of *Vaid*;

6) rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Vaid* in view of Microsoft Excel 2000 ("*Excel*");

7) rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Muller* in view of *Vaid*; and

8) provisionally rejected claims 1, 4, 5, and 7 for non-statutory obviousness-type double patenting.

Applicants amend independent claims 1, 4, and 7. Support for the amendments can be found in the specification at, for example, page 5, lines 22-24.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Rejections under 35 U.S.C. §§ 101 and 112

It is not clear from the Office Action whether the rejection of claims 1-6 under 35 U.S.C. § 101, the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, and the rejection of claims 4 and 7 under 35 U.S.C. § 112, second paragraph, from the previous non-final Office Action mailed February 28, 2007 are withdrawn or maintained. Nonetheless, Applicants traverse these rejections and request the Examiner to withdraw these rejections in view of the claim amendments and reasons presented in the Amendment filed on May 8, 2007.

If these rejections have been withdrawn, Applicants respectfully request the Examiner to explicitly indicate such withdrawals. If these rejections are maintained, Applicants respectfully request the Examiner to "include a rebuttal of any arguments raised in the applicant's reply" with respect to the rejections under §§ 101 and 112 in the next communication from the Office. M.P.E.P. § 706.07, 8th Ed., Rev. 5, August 2006.

Rejection of Claims 4 and 6 under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 4 and 6 under 35 U.S.C. § 102(e) as being anticipated by *Vaid*. In order to properly establish that *Vaid* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236,

9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that *Vaid* does not teach or suggest each and every element of Applicants' claims.

Independent claim 4, as amended, recites a combination including, for example, "the first grid manager storing a list of one or more grid managers hierarchically inferior to the first grid manager." *Vaid* does not teach or suggest at least this element of claim 4.

The Examiner argues "that the term 'hierarchical' is functionally equivalent to 'sorts data . . . in ascending order.'" Office Action, p. 2. This is incorrect. However, even assuming that "sort[ing] data or information in ascending order by clicking on any header," in *Vaid*, col. 18, lines 10-11, could constitute a teaching or suggestion of the claimed "hierarchical[]" structure of the claimed "grid managers," which Applicants do not concede, *Vaid* fails to disclose "the first grid manager storing a list of one or more grid managers hierarchically inferior to the first grid manager," as recited in claim 4. *Vaid* does not teach or suggest that any data or information being sorted in Fig. 9 "stor[es] a list of . . . [anything] hierarchically inferior to" the data or information.

For at least these reasons, *Vaid* does not teach or suggest each and every element of claim 4, and thus fails to anticipate claim 4. Dependent claim 6 is also allowable over *Vaid* at least by virtue of its dependence from allowable base claim 4. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 4 and 6 under 35 U.S.C. § 102(e).

Rejection of Claims 1-3 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over *Muller* in view of *Vaid*. A *prima facie* case of obviousness has not been established.

To establish a prima facie case of obviousness, the prior art (taken separately or in combination) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, the prior art, taken alone or in combination, fails to teach or suggest each and every element of Applicants' claims.

Independent claim 1, as amended, recites a combination including, for example, "the services storing lists of hierarchically inferior services." *Muller* and *Vaid*, taken alone or in combination, do not teach or suggest at least this element of claim 4.

The Examiner argues that *Muller* teaches "hierarchical view" and "computer nodes" in col. 40, line 58. However, *Muller* fails to disclose that the computer nodes "stor[e] lists of hierarchically inferior services," as recited in claim 1, or hierarchically inferior computer nodes. Furthermore, *Vaid* fails to cure at least this deficiency of

Muller, because *Vaid*, as discussed above, fails to teach or suggest "the services storing lists of hierarchically inferior services," as recited in claim 1.

For at least these reasons, the prior art, taken alone or in proper combination, fails to teach or suggest each and every element of claim 1. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1. In addition, dependent claims 2 and 3 are allowable over the prior art at least by virtue of their dependence from allowable base claim 1. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1-3 under 35 U.S.C. § 103(a).

Rejection of Claim 5 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Vaid* in view of *Excel*. A *prima facie* case of obviousness has not been established.

Claim 5 depends from claim 4, and thus requires all the elements thereof. As discussed above, *Vaid* fails to teach or suggest each and every element of claim 4.

The Examiner characterizes *Excel* as teaching "that a shrinkable structure that hides the labels representing grid managers or other application service in the matrix-like structure for the purpose of hiding labels for columns and rows." See Office Action, p. 16. Although Applicants disagree, even assuming that the Examiner's characterization of *Excel* is correct, *Excel* fails to cure the above-discussed deficiencies of *Vaid*. That is, *Excel* fails to teach or suggest "the first grid manager storing a list of one or more grid managers hierarchically inferior to the first grid manager," as recited in

claim 4, and required by claim 5. For at least these reasons, the prior art, taken alone or in proper combination, fails to teach or suggest each and every element of claim 5. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 5. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 5 under 35 U.S.C. § 103(a).

Rejection of Claim 7 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Muller* in view of *Vaid*. A *prima facie* case of obviousness has not been established.

Independent claim 7, as amended, recites a combination including, for example, "the grid manager representing the root node storing a list of hierarchically inferior grid managers representing the nodes hierarchically inferior to the root node." Although claim 7 is different in scope from claim 4, *Muller* and *Vaid*, taken alone or in proper combination, fail to teach or suggest this element of claim 7 for at least reasons similar to those stated above for claim 4. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 7. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 7 under 35 U.S.C. § 103(a).

Provisional Non-Statutory Obviousness-Type Double Patenting Rejection

The Examiner provisionally rejected claim 1 of this application over claims 1 and 3 of co-pending Application No. 10/712,886 ("the '886 application"); provisionally rejected claims 4 and 5 of this application over claim 4 of the '886 application in view of

Vaid; and provisionally rejected claim 7 of this application over claim 5 of the '886 application in view of *Vaid*, all on the ground of non-statutory obviousness-type double patenting.

Applicants respectfully traverse each of the provisional double patenting rejections and request that the rejections be held in abeyance. The '886 application is currently pending and, thus, no double patenting circumstances can arise until a patent is granted. Since no patent has apparently issued from the '886 application, Applicants respectfully request that the provisional rejections be held in abeyance and any resolution in the form of a terminal disclaimer or otherwise be deferred.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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